

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
**Commissioner for Patents**  
**Alexandria, Virginia 22313-1450**  
**Fax** (703)746-4000

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

07/28/2003

Eric P. Mirabel  
 Bioarray Solutions Ltd.  
 35 Technology Drive  
 Suite 100  
 Warren, NJ 07059

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

<u>Suzanne Klein</u>	(Depositor's name)
<u>Suzanne Klein</u>	(Signature)
<u>8-1-03</u>	(Date)

APPLICATION NO. 09/690,040	FILING DATE 10/17/2000	FIRST NAMED INVENTOR Michael Seul	ATTORNEY DOCKET NO. 464.1006CON4	CONFIRMATION NO. 3560
-------------------------------	---------------------------	--------------------------------------	-------------------------------------	--------------------------

TITLE OF INVENTION: LIGHT-CONTROLLED ELECTROKINETIC ASSEMBLY OF PARTICLES NEAR SURFACES

APPLN. TYPE nonprovisional	SMALL ENTITY YES	ISSUE FEE \$650	PUBLICATION FEE \$0	TOTAL FEE(S) DUE \$650	DATE DUE 10/28/2003
-------------------------------	---------------------	--------------------	------------------------	---------------------------	------------------------

EXAMINER DO, PENSEE T	ART UNIT 1641	CLASS-SUBCLASS 436-526000
--------------------------	------------------	------------------------------

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

ERIC P. MIRABEL  
JULIE BOWKER  
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

BIOARRAY SOLUTIONS LTD.

WARREN, NEW JERSEY

Please check the appropriate assignee category or categories (will not be printed on the patent)

☐ Individual ☒ Corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☐ Publication Fee  
☒ Advance Order - # of Copies 10

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 502088 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

PTOL-85 (REV. 05-03) Approved for use through 04/30/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FAX RECEIVED

SEP 22 2003

PETITIONS OFFICE



## **BIOARRAY SOLUTIONS**

### **FAX COVER PAGE**

**To:** Petitions Office

**From:** Eric Mirabel;

emirabel@bioarrays.com

**Company:** PTO

**Phone:** 908-226-8200, Extension 203

**Fax:** 703 308 6916

**Date:** 09/22/2003

**Re:** Petition following

**Pages:** 3 Including cover

☐ **Urgent**   ☐ **For Review**   ☐ **Please Comment**   ☐ **Please Reply**   ☐ **Please Recycle**

Please see the following

**FAX RECEIVED**

**SEP 22 2003**

**PETITIONS OFFICE**

35 Technology Drive, Suite 100, Warren, NJ 07059

Ph: 908-226-8200   Fx: 908-226-0800

www.BIOARRAYS.com

ATTORNEY DOCKET NO.: LEAPS-Con4  
CUSTOMER NO: 36038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
Michael Seul

Serial No.: 09/690,040

Filed: 10/17/2000

Allowed: 7/24/2003

For: Light-Controlled Electrokinetic Assembly  
of Particles Near Surfaces

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

Group Art Unit: 1641

Examiner: P. Do

FAX RECEIVED

SEP 22 2003

PETITIONS OFFICE

## Request/Petition for Simultaneous Issue of Patent

Dear Sir:

Pursuant to MPEP 1306.2, Applicants hereby requests or in the alternative petitions for immediate issuance of the above application as a patent. The request is made now, and was not made when the issue fee transmittal was mailed to the PTO on 7/31/03, because it has since then come to the attention of Applicant that a potential competitor will commercially launch infringing subject matter within the next few days -- well before the time a patent is otherwise expected to issue. A copy of the Issue Fee Transmittal (previously sent in) follows. Please charge any fee due in connection with this request to Deposit Account No. 502088.

Respectfully Submitted,

BY:

Eric P. Mirabel

Reg. No. 31,211

Bioarray Solutions, Ltd.

35 Technology Drive

Warren NJ 07059

(908) 226 8200 (ext 203)

Date:

9/18/03

I, Eric P. Mirabel, certify that, on the date indicated above, this correspondence and all attachments indicated herein are being faxed to the Assistant Commissioner for Patents, at (703) 746-5291